

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 97.305 of)	
The Commission's Rules to Expand)	RM-9806
Certain Types of Transmissions on)	
Prescribed Portions of the Amateur)	
Service VHF Bands)	

ORDER

Adopted: June 26, 2000

Released: June 28, 2000

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunication Bureau:

I. INTRODUCTION

1. We have before us a petition filed by the California Six Meter Club (CSMC)¹ requesting an amendment of Section 97.305 of the Commission's Rules.² CSMC requests that we authorize stations in the Amateur Radio Service to transmit additional emission types on portions of the 6 meter and 2 meter amateur service bands. Based on our review of the record in this proceeding, we conclude that issuance of a *Notice of Proposed Rule Making* and the commencement of a proceeding regarding this matter is not warranted because CSMC has not made a sufficient showing to support amending the current emission standards. Therefore, we dismiss the CSMC Petition.

II. BACKGROUND

2. The Amateur Radio Service rules allow amateur stations to transmit over 1300 different emission types.³ To minimize interference between amateur stations transmitting different emission types, Section 97.305 of the Commission's Rules subdivides each of the amateur service frequency bands into emission type subbands.⁴ As a result, all amateur stations within a particular subband are transmitting and receiving compatible emission types and, therefore, can avoid undesired transmissions from other stations.⁵

¹ See Petition for Rule Making, RM-9806, filed by CSMC, on August 25, 1999 (CSMC Petition).

² 47 C.F.R. § 97.305.

³ See 47 C.F.R. §§ 2.201, 97.3.

⁴ 47 C.F.R. § 97.305(c).

⁵ See Amendment of Parts 2 and 97 of the Commission's Rules Governing the Amateur Service to Authorize Operation on Additional Frequency Bands in American Samoa, *Order*, 14 FCC Rcd 20595, 20607 ¶ 22 (WTB PSPWD 1999) (*Samoa Order*).

Only CW (international Morse code telegraphy)⁶ emissions are permitted on the lower 100 kHz segment of the 6 and 2 meter (m) amateur service bands,⁷ *i.e.*, 50.0-50.1 MHz and 144.0-144.1 MHz.⁸

3. On August 25, 1999, CSMC, an organization of amateur radio operators interested in amateur service communications on the 6 m band, filed a petition for rule making requesting amendment of the amateur service rules to allow amateur service stations to transmit all digital modes up to 300 baud and single side band phone emission types⁹ on the frequency segments 50.0-50.1 MHz and 144.0-144.1 MHz.¹⁰ CSMC states that, based on a survey of telegraphy weak signal operations by its members and others using telegraphy on these bands, these frequency segments appear to be virtually unused.¹¹ In addition, CSMC states that the long-distance weak signal communications envisioned for these frequency segments routinely take place on amateur service frequencies above 50.1 MHz and 144.1 MHz.¹² For this reason, it requests amendment of the rules to allow other emission types that are popular on these VHF bands, such as digital emission types and single side band voice emissions.¹³ The Commission sought comment on the CSMC Petition on January 14, 2000.¹⁴

4. One comment was received, which was from Mr. Stephen M. Kellat, who opposes CSMC's proposal at this time because discussions within the amateur service community concerning the use of new technologies have begun, as a result of the Commission's recent decision concerning the amateur service license structure.¹⁵ He believes, therefore, that it is premature to consider amending the rules as CSMC requests until the amateur service community reaches a consensus as to how to use the amateur service frequency bands.¹⁶

⁶ See 47 C.F.R. § 97.3(c)(1).

⁷ The 6 m amateur service band is 50-54 MHz in ITU Regions 2 and 3; the 2 m amateur service band is 144-148 MHz in ITU Regions 2 and 3. See 47 C.F.R. § 97.301(a).

⁸ 47 C.F.R. § 97.305(a), (c).

⁹ The terms used in the amateur service rules to indicate emission types are specified in 47 C.F.R. § 97.3. As the terms are used in the CSMC Petition, "digital modes up to 300 baud" are data emission types, and "single side band phone" is a phone emission type.

¹⁰ CSMC Petition at 1.

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Id.* at 1-2.

¹⁴ *Public Notice*, Petitions for Rulemaking Filed, Report No. 2381 (rel. Jan. 14, 2000).

¹⁵ Stephen M. Kellat Comments at 2-3. See 1998 Biennial Regulatory Review -- Amendment of Part 97 of the Commission's Amateur Service Rules, *Report and Order*, WT Docket No. 98-143, 15 FCC Rcd 315 (2000).

¹⁶ Stephen M. Kellat Comments at 3.

III. DISCUSSION

5. After consideration of the record, we do not believe that the requested revisions to the rules are necessary or have support within the amateur service community. As an initial matter, we note that the premise of the CSMC Petition, that these frequency segments are virtually unused, appears to be contradicted by an earlier filed petition for rule making, RM-9673, submitted on May 3, 1999, by the Central States VHF Society (CSVHFS).¹⁷ In that petition, CSVHFS requested amendment of the Amateur Radio Service rules to provide additional spectrum to protect weak signal operations (primarily Morse code telegraphy and single sideband voice emission types) that its members and others engage in from other emissions that are increasingly popular on the 6, 2, and 1.25 m and 70 centimeter amateur service bands.¹⁸ Specifically, CSVHFS requested that we expand the spectrum designated to accommodate weak signal operations to include the lower 300 kHz of the 6 and 2 m bands.¹⁹ CSVHFS also stated that voluntary band plans have not proven successful in limiting wideband emission types from the band segments used for weak signal communications.²⁰

6. On the basis of the records in RM-9806 and in RM-9673, we conclude that the frequency segments 50.0-50.1 MHz and 144.0-144.1 MHz are not “virtually unused” as CSMC claims. We also conclude that authorizing additional emission types in these frequency segments could have an adverse impact on the operating activities of other licensees. In this regard, we note that weak signal communication enthusiasts claim that presently authorized emission types are affecting their operations, even though the rules provide a subband free of wideband emission types.²¹ We also note that CSMC has not shown that any improvement in communications capabilities would result if the additional 100 kHz of spectrum it requests was authorized for these other emission types. Furthermore, we believe that the other emission types are adequately accommodated under the present amateur service rules which authorize amateur service stations to transmit data and phone emission types in all but the lowest 100 kHz of the 6 and 2 m amateur service bands.²² Thus, we are not persuaded that there is a lack of spectrum in the 6 and 2 m amateur service bands for transmission of data and phone emission types. For these reasons, we conclude that the proposed revisions to the rules are unnecessary and we will dismiss the CSMC Petition.

IV. CONCLUSION

7. On the basis of the above, we conclude that the request in the above-captioned petition for rule making is unnecessary and does not warrant further consideration at this time. Alternate formats of this *Order* (computer diskette, large print, audio cassette and Braille) are available to persons with

¹⁷ See Petition for Rule Making, RM-9673, filed by CSVHFS, on May 3, 1999 (CSVHFS Petition). CSVHFS states that it represents amateur radio operators involved in weak signal communications on amateur service bands above 30 MHz. *Id.* at 1. The CSVHFS Petition was dismissed on November 29, 1999. See *Samoa Order*, 14 FCC Rcd at 20607 ¶ 23.

¹⁸ CSVHFS Petition at 1-2.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 1.

²² See 47 C.F.R. § 97.305.

disabilities by contacting Martha Contee at (202) 418-0260, TTY (202) 418-2555, or by e-mail at <mcontee@fcc.gov>. This *Order* also is available at the Commission's internet site at <<http://www.fcc.gov>>.

V. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by the California Six Meter Club, RM-9806, on August 25, 1999, IS HEREBY DISMISSED WITHOUT PREJUDICE.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunication Bureau